

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 6, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Harold Stepper and Mike Hoffman, County Planners; Bonnie Ramey, Clerk and Recorder; Garry Pace, Superintendent of Schools; Dennis Owens, Deputy County Attorney; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Shawn Hoagland

MINUTES

Commissioner Weber moved to adopt the minutes of September 1. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of September 8. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of September 15. Commissioner Kirsch seconded. The motion carried.

CALENDAR REVIEW

- 10/06 DUI Task Force - 6:00
Health Board - 6:30
- 10/07 Solid Waste safety meeting - 8:00
RMDC - Helena - 9:00
Bio-mass meeting - Boulder City Hall - 10:30
Meeting regarding development of south campus - noon
- 10/08 CTAC - 8:00
Tri-County Fire - 9:00
Area IV Agency on Aging - Livingston - 10:00
South campus tour - 11:00
Elkhorn Working Group - 2:00
Weed Board - 6:00
Library Board - Clancy - 6:30

COMMISSION REPORTS

ASH GROVE

Commissioner Lythgoe reported that he attended the Ash Grove Citizen's advisory meeting on the 30th. The topic of discussion was the Tax Increment Finance (TIF) district in the area. After the meeting, they discussed the temporary layoff. They will continue to pay health insurance. There are seventy-five employees and fifty will be laid off for about four months. Ash Grove has a supplemental unemployment fund that will help those laid off. Ash Grove has 10 plants across the country and nine of them are shutting down for a period of time. the plant will continue to sell inventory that they have on-hand during the shut-down.

SOUTH CAMPUS SEWER IMPROVEMENTS

Commissioner Lythgoe reported that on Friday he met with the engineers and contractors and several of the parties involved in the sewer improvements that are taking place as a result of the stimulus monies that Jefferson County has received.

BEAVERHEAD-DEER LODGE NATIONAL FOREST

Commissioner Weber reported that he and Commissioner Kirsch met with Beaverhead-Deer Lodge National Forest staff on Thursday. One of the topics of discussion was the Schedule A agreement. Carolyn found one of the old MOUs, which will be forwarded to the Forest Service. They are planning more mine cleanup up Cataract next year. This year they didn't need to use county roads, but next year they will be. Commissioner Kirsch stated that they met the new forest supervisor, Dave Myers, who seems to be a good guy. They discussed biomass generation and if established if we could depend on the Forest Service to supply bio fuels. They also discussed the buildings outside of Boulder. They will look into this and see if they can speed up the process. He felt that it was a good, positive meeting.

SOLID WASTE DEPARTMENT

Commissioner Weber reported that he has been meeting with homeowners that have applications for deletions of their Solid Waste fees and working to take care of other Solid Waste business. He and Bonnie have been working together to generate reports for the Solid Waste board.

SUBDIVISION REVIEW

REQUEST FOR EXTENSION OF PRELIMINARY PLAT APPROVAL – KILLPACK MINOR

Mike Hoffman, County Planner, presented his staff report on this five lot minor subdivision in the Montana City area. Ken Vivrette has submitted a request for extension on behalf of the developers Jim and Deborah Killpack. Mike recommended that the time extension be granted.

Commissioner Weber asked if the county requires anything regarding having a representative. Mike stated that we don't have anything in place, and noted that the developer's signature is required on the document.

Commissioner Weber moved to grant the request for time extension. Commissioner Kirsch seconded. The motion carried.

DISCUSS SUBDIVISION IMPROVEMENTS AGREEMENT – JEFFERSON ACRES MAJOR

Mike presented the Commission with a draft subdivision improvements agreement, as well as revised estimates for the completion of the needed work from Great West Engineering. Mike stated that he wouldn't recommend approving the subdivision improvements agreement unless the developer is able to meet the stated amount and provide an easement to the water supply. Commissioner Lythgoe noted that the amount indicated by Great West is \$153,192.19. Commissioner Weber asked the current bond amount. Mike stated that it is \$156,404.34.

Shawn Hoagland stated that he has a letter of credit in the amount of \$157,500, which has been extended until July 15, 2010. This is well after the expiration of his last extension on June 3, 2010, which will leave a window after the fact. As Mike mentioned, they are working on the easement. His attorney wasn't able to get it finished and to Mr. Lombardi before this meeting.

Commissioner Lythgoe stated that it seems like everything is in order. Mike said that this agreement is identical to the original. On page two it states "these improvements, including the water supply system to be utilized by the fire district will be located within the subdivision or at an approved off-site location." There was some discussion at the last meeting that the on-site language be removed, but without the easement in place, he feels that it would be prudent to leave it in the agreement. Shawn stated that he sees no need to remove it.

Harold stated that he would suggest that the Commission hold off on signing this until we have the easement in-hand and filed with the Clerk and Recorder.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

OPEN BIDS FOR SIDEWALK UPGRADE PROJECT

Three bids were submitted for consideration:

White Resources LLC – Butte	\$39,988.50
Diamond Construction – Helena	\$35,304.00
Northside Fabrication & Welding – Helena	\$44,764.84

Commissioner Lythgoe thanked everyone for the bids. They will be given to the engineer to review. The bid will be awarded at the following meeting.

ADOPT FINAL BUDGET

Commissioner Lythgoe asked Bonnie if she has anything to add. Bonnie stated that she doesn't know of any changes at this time. Commissioner Lythgoe called for comments. Bonnie asked if they are going to discuss the possible changes that she submitted at the previous meeting. Commissioner Lythgoe stated that the changes that she submitted at the previous meeting, as far

as he is concerned, there isn't anything to discuss. They are just changes that needed to be made to the budget. Bonnie said that she just needs to know if the Commission plans to incorporate the changes or if they are going to go with the budget that was submitted to the Commission on the 8th. These are changes that do need to take place; at least two of them that absolutely have to take place. The Health Nurse wages were raised by the Health Board, but the changes were not in the submitted budget. Also, the expenditures for the storm damage need to be added to the budget. She further noted that Joe Carter is no longer being paid out of Solid Waste, so she needs to corresponding budget authority to pay him out of Road and Bridge.

Bonnie said that she feels that the figures that she gave the Commission will completely cover all of our needs and we can put in the corresponding PILT. In the Solid Waste budget, they also need funds to cover the change to a full-time manager.

Commissioner Lythgoe stated that he was aware of those and personally felt that all four needed to happen.

Commissioner Weber stated that he concurs that those four changes need to take place. Commissioner Weber moved to make the four changes to the budget that was presented on the 8th. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 30-2009 ADOPT FINAL BUDGET AND FIX TAX LEVIES

Commissioner Weber read the resolution as follows:

RESOLUTION 30-2009
ADOPT FINAL BUDGET
AND
FIX TAX LEVIES FOR JEFFERSON COUNTY
FISCAL YEAR 2009-2010

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2009-2010 as required by law; and,

WHEREAS, the value of a mill has been determined as \$26,746 county-wide and a value of \$24,901 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the final budgets for fiscal year 2009-2010, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

BE IT FURTHER RESOLVED that the Board does hereby fix the following levies to fund said budgets:

GENERAL	23.71
ROAD	18.05

BRIDGE	11.90
WEED	6.54
FAIR	0.85
DISTRICT COURT	3.53
LIBRARY	13.32
PLANNING BOARD	1.78
HEALTH AND SANITATION	10.34
SENIOR CITIZENS	1.93
COUNTY AGENT	2.19
PUBLIC SAFETY	63.41
MUSEUM	0.37
EMPLOYEE GROUP HEALTH	0.00
PERMISSIVE HEALTH	13.58
ENTITLEMENT LEVY	3.81
SEARCH AND RESCUE	0.00
<u>SPECIAL DISTRICT LEVIES</u>	
MOSQUITO #1 - BOULDER	2.65
MOSQUITO #2 - BOULDER VALLEY	4.39
MOSQUITO #3 - WHITEHALL	8.77
JEFFERSON VALLEY RURAL FIRE	15.61
MONTANA CITY FIRE	30.18
JEFFERSON CITY FIRE	23.21
BASIN FIRE	39.87
BULL MOUNTAIN FIRE	26.74
ELK PARK RURAL FIRE	43.18
JEFFERSON VALLEY SOIL & WATER	1.68
BASIN WATER & SEWER	398.15
BASIN IMPROVEMENTS	21.27
<u>CITY LEVIES</u>	
TOWN OF BOULDER	192.414

SCHOOL LEVIES

CLANCY #1	122.09
#1-A	91.05
WHITEHALL #4	86.4
BASIN #5	41.81
BOULDER #7	185.46
CARDWELL #16	18.63
WILLOW CREEK #1	102.74
THREE FORKS #26	79.44
MONTANA CITY #27	163.75
MONTANA CITY #27-B	194.79
JEFFERSON HIGH SCHOOL #1	45.89
WHITEHALL HIGH SCHOOL #2	34.19

COUNTY LEVIES

COUNTY GENERAL HIGH SCHOOL	22.00
COUNTY GENERAL ELEMENTARY	33.00
TRANSPORTATION	4.77
ELEMENTARY RETIREMENT	23.52
HIGH SCHOOL RETIREMENT	11.8

SPECIAL ASSESSMENT DISTRICTS

SHEEP PREDATORY ANIMAL (per animal)	\$.60
CLANCY FIRE SERVICE AREA	\$ 55.00
BASIN TV	\$ 20.00
BOULDER TV	\$ 8.00
BOULDER TV-COMMERCIAL	\$ 15.00
WHITEHALL TV	\$ 15.00
SOLID WASTE	\$129.69
LIME KILN RD IMPROVEMENT DIST	\$350.00

BE IT FURTHER RESOLVED that an additional, annual assessment, as provided for in §7-22-2432, MCA, and as approved by the voters of the district on June 2, 1992, is hereby imposed upon the owners of structures and properties within the Boulder Mosquito District #1, as follows:

- (a) \$20.00 per single-unit dwelling;
- (b) \$20.00 per unit in a duplex dwelling;
- (c) \$ 5.00 per unit in a multi-unit dwelling (other than a duplex);
- (d) \$75.00 per commercial establishment;
- (e) \$50.00 on each irrigated parcel of property that does not contain a dwelling;
- (f) \$15.00 on each non-irrigated parcel of property that does not contain a dwelling.

WHEREAS, §7-6-4031, MCA makes provision for the authorization of a designated official to transfer appropriations between items within the same fund; and

WHEREAS, §7-6-4006 (3), MCA makes provision for appropriation adjustments,

NOW, THEREFORE, BE IT RESOLVED that the Clerk and Recorder be designated to make budget transfers and adjustments with the approval of the governing body, and shall submit at minimum quarterly recommended budget transfers and adjustments.

DATED this 6th day of October, 2009, effective for Fiscal Year 2009-2010.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the budget resolution. Commissioner Kirsch seconded. The motion carried.

DISCUSS AND DECIDE ON ROAD NAME CHANGE – LAPPY LANE/NORTH FORK QUINN CREEK

Commissioner Weber stated that the Commission received a letter from area landowners and a signed petition to rename the road as North Quinn Creek. The petition states that in 2002, landowners asked Jefferson County to name the road Quinn North Fork, but through an oversight, the name was registered as Lappy Lane without the knowledge or consent of the majority of the landowners.

Commissioner Weber stated that what sparked this is that the county put up a Lappy Lane road sign. What this does today, if they go forward with the resolution, is to change the name of that portion of road that these landowners live on to North Quinn Creek and the rest of the road will remain Lappy Lane.

Garry Pace stated that he owns land on Quintana, and feels that the name should be North Fork of Quinn Creek, which is how it is recorded on the original maps.

RESOLUTION 31-2009 RESOLUTION CHANGING OFFICIAL ROAD NAME

Commissioner Weber read the resolution as follows:

RESOLUTION 31-2009

RESOLUTION CHANGING OFFICIAL ROAD NAME

WHEREAS, a petition dated September 7, 2009, was received by the Jefferson County Board of Commissioners from a majority of the real property owners adjacent to “Lappy Lane”, Bull Mountain, Jefferson County, Montana, requesting that the name of the road be changed to “North Quinn Creek”, and

WHEREAS, a request to the Jefferson County Planner dated November 2, 2002, from owners of lands adjacent to the right fork extension of Quintana Lane, Jefferson County, Montana, better known as “ North Fork Quinn Creek Road”, requested that this portion of road be named “North Fork Quinn Creek Road”, and

WHEREAS, the Quinn family were pioneers in the Boulder Valley, Jefferson County, Montana and Quinn Creek is listed on U.S. Geological maps, and Quintana Lane was named by Jefferson County; and

WHEREAS, the names, history and traditions of our cultural heritage in Jefferson County, Montana, are of great importance to our history and background,

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Board of Commissioners that the name of “Lappy Lane”, Bull Mountain, Boulder, Montana, is hereby changed to “North Fork Quinn Creek Road”, except that portion which accesses Geocodes 51129517101040000 and 51129517201010000 and which shall remain named “Lappy Lane”.

DATED this 6th day of October, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt resolution to change name of road to North Fork Quinn Creek. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 32-2009 FINAL LEVY OF SPECIAL ASSESSMENTS – MARTINEZ GULCH
Commissioner Lythgoe read the resolution as follows:

RESOLUTION 32-2009

**RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT
NO. 2517 (MARTINEZ GULCH); FINAL LEVY OF SPECIAL ASSESSMENTS ON
PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE
COST OF CERTAIN LOCAL IMPROVEMENTS AND FUNDING MAINTENANCE
COSTS OF THE IMPROVEMENTS**

BE IT RESOLVED by the Board of County Commissioners of Jefferson County (the “County”), Montana, as follows:

Section 1. The District; the Improvements. The County has created a Rural Special

Improvement District (the “District”) pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the “Act”), denominated Rural Special Improvement District No. 2517 (the “District”), and undertaken certain local improvements (the “Improvements”) to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bond (as hereinafter defined) are estimated to be \$271,333, including all incidental costs. The County has also provided for funding the estimated costs of maintaining the Improvements by creating a maintenance district coextensive with the boundaries of the District (the “Maintenance District”).

Section 2. The Bond. The County has pursuant to the Act authorized the issuance of its Rural Special Improvement District bids drawn on the District, denominated “Rural Special Improvement District No. 2517 Bond,” in the original aggregate principal amount of \$271,333 (the “Bond”), to finance costs, including incidental costs, of the Improvements. The Bond is payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution 16-2009, adopted by this Board on April 28, 2009, and which constitutes the Resolution of Intention to Create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act. The County also provided in such Resolution of Intention to Create the District the Maintenance District to fund costs of maintaining the Improvements.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the Resolution of Intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the Resolution of Intention.

Section 4. Public Hearing; Objections. This Board, on September 8, 2009, adopted Resolution 26-2009, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 29, 2009, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined not to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution.

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term

not exceeding 15 years, each in substantially equal semiannual payments of principal and interest within a fiscal year, taking into account each year the variable rate of interest under the INTERCAP Program of the Montana Board of Investments. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from the date of issuance of the Bond until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum, determined as of the date an installment of the special assessment is levied each fiscal year, of: (i) the then current Loan Rate (i.e., the interest rate applicable to local governmental borrowers under the INTERCAP Program of the Montana Board of Investments then in effect), plus (ii) one percent (1.00%) per annum, plus (iii) if and to the extent that the Loan Rate is then less than fifteen percent (15.00%) per annum (the maximum interest rate on the Bond), an additional one percent (1.00%) per annum, interest being payable with principal installments. The Interest Rate shall be determined by August of each fiscal year so long any Bond is outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no amounts under the Bond are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2010 (and with respect to principal and interest installments due on the Bond on February 15, 2010 and August 15, 2010) shall be 5.25% per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, and as to special assessments due May 31, 2010 and November 30, 2010 to pay debt service on the Bond, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent (the "Assessment Role"). Exhibit A also contains the proposed amount to be assessed to pay maintenance costs of the Improvements.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 6th day of October, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Lythgoe stated that the contractor is currently working on the road. They will need to do a winter shut-down and will come back in next spring, clean up and chip seal the road.

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER